IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.5270 OF 2003

Sou Manda Sadashiv Godbole : Petitioner
(Orig. Opponent)

V/s.

Shri Vijay Narayan Thatte & Ors. : Respondents
(Orig. Applicants)

...

Mr. M. V. Sali for the petitioner.

Mr.Sarang Avadhye with Ms Swati Deshpande i/b. M/s.M.S. Bodhanwalla & Co., for respondent nos.1 to 17.

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CORAM : S.A. BOBDE, J.

March 17, 2005.

P.C.:

1. Rule, returnable forthwith.

Mr.Avadhye waives service of rule on behalf of respondent nos.1 to 17.

Head by consent.

2. The petitioner has challenged the impugned order on the ground that the said order is made in a Second Revision Application. It is a settled law that such a

Second Revision is not maintainable vide judgement of a single Judge of this Court dated 25.2.1999 in Writ Petition no.248 of 1999 (Shri Bandu Tukaram Patil & Ors. Keshav Krishnaji Patil & Ors.). The learned counsel for the respondents is not in a position to dispute this.

3. Accordingly, the impugned order dated 18.10.2002 is hereby set aside. The rule is made absolute accordingly. No order as to costs.

4. Certified copy expedited.

Sd/-

S.A. BOBDE, J.